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Filed for Record
9 Oct 1863

Laws of Banner District
adopted March 21st 1861

At a meeting of the Citizens of Spring Brook held March the 8th 1861 at 7 o'clock P.M.

The house being called to order, Randolph Tennant to the Chair, and John C. Ellis appointed secretary of said meeting, the following resolutions was offered

Resolution 1st

Resolved whereas Trail Creek District embraces to much territory for the convenience of the miners, and whereas we do not consider the laws of said District sufficient to protect our interests, and whereas a meeting of the miners was lawfully called and the officers of said District utterly refused to give the miners a hearing and to make such laws as would protect our interests, Resolved therefore that we the miners of Spring Brook form a new District, bounded as follows

Beginning at the North West corner of Trail Run District and running from thence Westwardly along the middle of

The main divide between the Waters of Trail Creek and Turkey Creek as far as the Western Boundary of Trail Creek District from thence North Westerly as far as the South West Corner of Nova District, from thence along said boundary to the North Boundary of Trail Run District and from thence Westerly to the place of beginning

Resolved that the above described Boundary shall be called Banner District and the above named Territory is set for the benefit of a new District

Resolved that a Committy of four be appointed to draft a code of Laws, this Committy consisting of Mssrs Andrews Randolph Jennal & B. F. Darroh and John Orr, to report the said Laws so codified at a meeting to be held in Spring Brook on the 19th of March 1861 } Their Report

In accordance with the duties imposed upon us as a Committy to Draft a Code of Laws for Banner District we present

The following Resolutions for your candid reflections all of which we most heartily and cheerfully submit to you the Citizens of said District

{ Myron & Andrews, Randolph Brennan
B. F. Darrah, John Orr }

Chapter 1

Section 1. The Officers of this District shall be a President a Judge of the Miners Court a Sheriff and a Recorder who shall be elected on the first Monday in March of each year and who shall hold their Office for the term of one year from the date of their Election or until their successors are elected and qualified, unless they sooner die remove from the District, resign or are removed for mis-conduct as hereinafter provided.

Section 2. When any Officer (except the President) of this District shall be guilty of misconduct or malfeasance in Office, it shall be the duty of the President, when an affidavit is made setting forth the specific charge, to issue a

Notice to such Officer to appear before him
him for trial, The President shall appoint
a prosecutor and the trial shall be conducted
according to the Laws for misdemeanor

Section 3 { On case the President of the District is
charged with misconduct in Office, it shall
be the duty of the Judge of the miners Court
to perform the duties prescribed for the President
in the foregoing Section

Section 4 { Each Officer before entering upon the discharge
of the duties of his Office, shall take an oath
to support and faithfully execute all the laws
of this District

Chapter 2 Duties of the President

Section 1 { It shall be the duty of the President to
preside at all legally called meetings of the
miners, and to call special meetings, by
posting three notices, within the District,
at least three days before the time of said
meeting, when in his opinion there is a
necessity for the same or when a petition is
is presented signed by not less then ten

Citizens of the District, specifying the particular object of the meeting, which object must be distinctly stated in the notice.

Section 2 } It shall be the duty of the President to preside in the Miners Court, in any case where the Judge of said Court is in any manner interested in the result of the suit, or otherwise disqualified unless objection is made by either of the parties, in which case it shall be his duty to appoint a Judge Pro-tem.

Section 3 } It shall be the duty of the President to sign all orders on the Treasurer for Money legally appropriated, and all Deeds for property belonging to the District, which the Miners of the District authorize to be sold, and also to have the care of any property belonging to the District, except such as it is the special duty of some other Officer to protect. It shall also be his duty to institute suit against any person guilty of destroying or injuring any property belonging to the District, or committing any offence recognized in the Law as a misdemeanor, nuisance or crime,

and to appoint a suitable person to conduct the prosecution

Section 4 } It shall be the duty of the President of the District to appoint an Officer Pro tem, to fill any vacancy that may occur

Duties of the Judge

Section 5 } The Judge of the Miners Court shall execute a bond, with good and sufficient security, to be approved by the President, in the penal sum of Five hundred Dollars, for the faithful performance of of his duties

Section 6 } The Judge of the miners Court shall perform the duties of the President in case of his absence or disability

Section 7 } The miners Court shall have jurisdiction over all civil contracts, made in this or any other District in Colorado Territory, provided the parties were citizens of this District at the time of making the contract or provided, the defendant is a citizen of this District at the time of the institution of the suit

Bonds for Costs

Section 8 } It shall be the duty of the Judge, in all cases before entering suit, to require a bond with good and sufficient security for the payment of all costs, and for all damage in case of attachments being wrongfully sued out

Section 9 } No suit shall be brought in the Miners Court for indebtedness contracted in any other State or Territory except by consent of all the parties interested, and no execution shall be collectable on a judgement rendered upon such indebtedness, except as hereinbefore provided

Docket

Section 10 } The Judge of the Miners Court shall keep a docket, on which a correct record of all the proceedings of his Court shall be entered, and he shall file and safely keep all papers connected with suits before him.

Fine for Contempt

Section 11 } It shall be the duty of the Court to levy

a fine not to exceed ten Dollars for contempt of Court, said fine to be collectable by sale of property on execution and the proceeds of same to be paid into the District treasury

Section 12 It shall be the duty of the Judge to issue an attachment when the plaintiff in any suit shall make oath that he believes the defendant is about to abscond or dispose of his property to defraud his creditors

Section 13 The Judge of the Miners Court shall have full probate jurisdiction within this District

Section 14 It shall be the duty of the Judge of the Miners Court to pay over to the Treasurer of the District all moneys coming into his hands for fines

Duties of the Recorder

Section 15 It shall be the duty of the Recorder safely to keep the records of the District and to record all papers upon the payment of his fees; to act as Secretary at all public meetings of the District, and by virtue of his Office as Treasurer to keep all moneys of the

District paid to him, subject to the draft of the ~~Draft~~ President, also to keep all vouchers, so that at any time he may be able, when called upon, to exhibit the financial condition of the District

Section 16 { The Recorder may appoint a deputy who shall be duly sworn, for whose special acts he shall be responsible

Section 17 { It shall be the duty of the Recorder to execute a Bond with good security to be approved by the President and Judge of the District in the penal sum of Five Hundred Dollars for the faithful performance of his duties of his Office

Duties of the Sheriff

Section 18 { The Sheriff of the District shall execute a Bond with good and sufficient security to be approved by the President and Judge of the District in the penal sum of Five Hundred Dollars for the faithful performance of the duties of his Office

Section 19 { It shall be the duty of the Sheriff to execute all papers issued by the proper Officers and and make due return endorsed thereon

Section 20 { It shall be the duty of the Sheriff to return any notice or summons, on or before the time set therein for trial, and the manner of service shall be set forth in the Sheriff's return thereto

Section 21 { It shall be the duty of Sheriff when he attaches any property not capable of manual delivery to file a list of the same with the Judge immediately

Section 22 { It shall be the duty of the Sheriff to receive and return in person all papers which it is his duty to serve and execute, and to be present at all sittings of the Court, and to perform such other duties as may be required of him by law

Section 23 { It shall be the duty of the Sheriff to execute or cause to be executed, all penalties for criminal offences

Chapter 3. Officers Fees. President Fees

Section 1 { The President shall be entitled to one Dollar for calling Special meetings and posting Notices, to be paid by the partiesses at the time of presenting said partision

Judges Fees

Section 2 { The Judge of the Miners Court shall be allowed fifty cents each for issuing all papers, except Subpoenas for which he shall receive twenty five cents, if containing one name, and fifty cents, if containing more than one name, for docket entry one Dollar, for the trial of each cause, one Dollar and fifty cents, for each continuance of a cause one Dollar

Recorders Fees

Section 3 { The Recorder shall be entitled to fifty cents for recording each Preumption Claim and shall record Discovery Claims free of charge and fifty cents for a Deed or any other instrument of not more than one hundred words and at the rate of fifty cents for each additional one hundred words

Sheriff Fees

Section 4 { The Sheriff shall receive the sum of fifty cents each for serving all papers except subpoenas, for which he shall be entitled to twenty five cents for each person subpoenaed, when on official business outside this District, he shall be allowed ten cents for each mile necessarily traveled, he shall also be allowed fifty cents each, for three Notices in case of sale under execution, and one Dollar for selling property, for empaneling a Jury one Dollar and for waiting on the Court, he shall be allowed fifty cents for each cause tried

Chapter 4 Laws of Miners Court

Section 1 { Any person desiring to commence a civil action in the Miners Court, shall file with the Judge of said court, a statement in writing setting forth his grounds of complaint, which shall contain all the allegations and facts necessary to constitute a cause of action, in plain and

unequivocal language, and if the defendant does not appear and answer to said complaint the court shall require plaintiff to make oath to the correctness of his complaint and that he knows of no legal offset, which the defendant may have; upon complying with the foregoing requirements the Judge may enter judgement for the amount claimed, together with all costs of suit

Section 2 { Depositions may be used in evidence before the Miners Court, provided, the witness is sick and unable to attent at the place of trial, about to leave the Country, or is out of the jurisdiction of the Court; provided also, that the adverse party shall have notice of the time ~~and~~ and place, when and where such depositions will be taken, and have the right to cross question such witness

3

Section 3 { No cause shall be continued except by consent of both parties, or upon the affidavit of one of the parties or his attorney, setting forth good cause for continuance of for the absence of a material witness, in which case the party shall state on oath that he cannot safely proceed to trial without said witness, and what he expects to prove by said witness and that he believes he can procure the testimony of said witness at some specified future time

Section 4 { Garnishee process may issue as a part of the original writ to be served upon both the defendant and garnishee, or separately, or it may be issued after execution is returned unsatisfied: and in either case if the garnishee shall pay the defendant the amount of his indebtedness, after service of said notice and before the final judgement (if any is obtained) is paid, he shall be liable to the plaintiff for such indebtedness

Section 5 } New trials may be granted for good cause shown upon the same terms or by the rules of common law, provided the party applying for a new trial first pay the costs that have already accrued

Section 6 } It shall be optional with the parties to any suit whether the same shall be tried by the Judge of the Mines Court or by jury

Section 7 } The regular number of jurymen to try civil cases, unless otherwise agreed upon by the parties, shall be three.

Section 8 } Each party shall have the right to three peremptory challenges, and as many as necessary for cause

Appeals

Section 9 } Either party feeling aggrieved, may appeal from a decision of a jury of three, or the Judge, to a jury of twelve and if their decision is unanimous, it shall be final, provided, that the party appealing shall give notice of his intention to appeal

within twenty-four hours after the rendition of judgement, and provided he shall pay the costs already accrued, within five days after the judgement is rendered

Notice

Section 10 } Notice shall be considered served when read to the party or parties, or by leaving a copy of the same at the usual place of residence, when not to be found within the District

Section 11 } Attachment shall be considered served by being read to the parties, together with a list of the property attached, and in case the party or parties cannot be found in the District, by leaving a copy of the same at his or their usual place of residence

Section 12 } All executions issued from the Miners Court shall be made returnable in twelve days from their date, and the Sheriff shall note on each execution the day and hour of receiving the same

and return the said execution within the twelve days, whether satisfied or not, with his official acts endorsed thereon

Section 13 { Any property, sold under execution, shall be advertised, by posting notices in three conspicuous places, in the District at least five days previous to the day of sale, said notices must designate the day and hours of sale, together with a description of the property to be offered for sale, the Sheriff may adjourn the sale to some future day, within the time specified for the return of the execution, provided there are no bids or the bids are unreasonably low, notice of such postponement shall be given during the hours of sale.

Publication

Section 14 { ~~Any property,~~ When suit is instituted against any person who is absent from, or a non resident of, this District service may be had by posting

notices or copies of the summons in three conspicuous places in the District at least ten previous to the day of trial A copy of one of said notices shall be sworn to by the Sheriff who posted the same, stating when, how and where he served the same, which shall be filed with the papers in the case

Section 15 } When judgement is rendered on publication as provided in the foregoing section, the party defendant shall be entitled to a new hearing, in said cause, within sixty days after the rendition of judgement, by paying all costs, and showing, to the satisfaction of the Court, that injustice has been done him in the cause, and in case the judgement is reversed, he shall be entitled to recover any real estate claimed, or their value, which may have been sold under execution on such judgement

Exemption

Section 16 { There shall be exempt from levy and sale on execution, the following articles, which are necessary for present use by the defendant, Mining Tools, Bedding, Clothing, cooking utensils and necessary provisions for three months, and in case of a man with a family, residing in the District, a dwelling House, not exceeding three Hundred Dollars in value, and the Lot on which the same is situated, together with such articles of Household furniture as are strictly necessary, also one Quartz Mining Claim which he may select, subject, only as hereinafter provided

Redemption

Section 17 { The defendant shall have the right of redemption on real estate sold under execution within sixty Days from the time of sale of said property, by tendering to the purchaser his agent or attorney the sum paid, together with five per cent interest per month

Citizenship

Section 18 { No person shall be entitled to a vote in Banner District for the election of Officers, making or altering of any laws in said District, unless they shall have been a resident of said District for ten Days previous to the Election

Capter 5 { Criminal Laws

Section 1 { Any person guilty of willful murder, upon conviction thereof, shall be hung by the neck until he is dead

Section 2 { Any person guilty of manslaughter or homicide, shall be punished as a jury of twelve men may direct.

Section 3 { Any person shooting or threatening to shoot another, or using or threatening to use any deadly weapons, except in self-defence, shall be fined in a sum not less than fifty nor more than five Hundred Dollars, and received in addition, as many stripes on his bare back, as a jury of six

men may direct, and be banished from the District

Larceny

Section 4 { Any person found guilty of ~~petit~~ grand larceny, shall be fined in a sum double the amount stolen, and receive not less than fifty nor more than one hundred lashes on his bare back, and be banished from the District, and such other punishment as a jury of six men may direct

Section 5 { Any person found guilty of petit larceny shall be fined in a sum double the amount stolen, and such other punishment as a jury of six men may direct

Section 6 { Any theft not exceeding ten dollars in value, shall be deemed petit larceny; and any theft over that sum in value, shall be deemed grand larceny

Forging

Section 7 { Any person found guilty of forging deeds, transfers, bills of sale, or pumping claims legally held under record,

defacing manes or removing Stakes from their proper places; shall pay a fine of ten dollars for each offence and double the amount of damages sustained by the injured party, said damages to be determined by a jury of six men

Section 8 { Any person, who shall cast or commit any nuisance, affecting or liable to affect the health of the people of this District, upon conviction thereof, shall pay a fine not exceeding one hundred dollars, to be determined by a jury of six men, and remove such nuisance within twenty four hours,

Section 9 { Any person convicted of causing a nuisance and failing or refusing to remove the same shall suffer the same penalty for each succeeding twenty four hours, as is prescribed in section Eight and such other punishment as a jury may direct

Section 10 { No person, shall be allowed, to keep a house of ill fame in Banner District, and upon conviction

thereof, shall be dealt with according to the laws, provided for the removal of a nuisance,

Section 11 { No person shall be allowed, to keep a retailing Liquor establishment, or Gambling House, in Banner District and upon conviction thereof shall be dealt with according to the Laws provided for the removal of a nuisance

Section 12 { No Lawyer nor Pettifogger shall be allowed to plead in any Court in Banner District

Section 13 { All and every offence, not enumerated in the foregoing Sections, shall be determined by a jury of six men, and punished as they may direct

Cutting Timber

Section 14 { It shall not be lawful for any person or persons to remove any timber or wood from this District, and upon conviction of a violation of this section, the person or persons so offending

shall be fined in a sum, not less than double the value of such timber, nor more than one Hundred Dollars to be collected as other fines

Chapter 6 Claims Defined

Section 1 Preemption } The term Preemption Claim, as well in this District, shall be construed to mean, when applied to a Lode, one Hundred feet running the length of the same and fifty feet in width when applied to Gulch one Hundred feet up and down and fifty feet across, when applied to pack or placer diggings, one Hundred feet square when applied to tunnel Claims, the entire distance intended to run the same for discovery purposes, as shown by the record and stake at the mouth of the tunnel, when applied to a Mill Site and water privilege, four Hundred feet on the Gulch and one Hundred and twenty feet in width, when applied to a Ditch Claim, the entire distance staked out which they intend to run the same, not shown by the

survey and stakes, when applied to Building Lots

Building Lots

Any person shall be entitled to preempt two Building Lots and hold the same as real estate provided, he, or she, shall build a dwelling House on either of them within sixty Days from the date of their preemption and have the same recorded

Section 2. Discovery

Any person discovering a new Lode, shall dig until he finds the crevice, sufficient, to show the course of the Lode, he, shall be entitled to two Hundred feet in length on said Lode, and twenty five feet on each side of his crevice, for the purpose of finding and further defining his crevice, and shall put the same on record free of charge, as a Discovery.

Section 3. Staking

All Lodes discovered from and after this date, shall be staked as far as claimed, with the owners name thereon, the number of the claim, the direction it runs, the name of the Lode, and the date of taking the same, and shall be required

to file and Record, the same within ten Days, from the time of taking the same, otherwise said claime shall be forfitted

Section 4 All Lodes shall terminate, at any natural running stream of Water,

Section 5 All Lode Claims, where the parties have complied with the Law shall be held as real estate

Section 6 No person shall hold more than (Claim on each) One Lode, Patch, placer, or Gulch ~~Claim~~ except by purchase or Discovery

Section 7 Any person Discovering a Quartz Lode, Patch Placer or Gulch Diggins by recording the same may hold as real estate the Discovery and one other Claim by preemption

Section 8 Pach or Placer Any person Discovering Pach or placer Diggins shall be entitled to One Hundred feet square as a Discovery Claim, also one hundred feet square as preemption

Section 9 Gulch Any person Discovering Gulch Diggins shall be entitled to One hundred feet by fifty feet as a Discovery Claim also one hundred feet by fifty feet as preemption

Patch Placer and Gulch Claims shall be held as real estate by recording the same

Section 10 Cross Lodes, When one Lode crosses another, the owner of the Claim first taken up shall not be entitled to any portion of the Lode that crosses his Claim, except in his Shaft or drift, by virtue of the width of his Claim but the first claimant to the ground shall not in any case be impeded in his work by the owner of the Claim on the Lode which may cross him

Section 11 Discovery Hole The Discovery hole shall be considered in the centre of the Discovery Claim, unless specified to the contrary on record

Section 12 No person shall be allowed to mine under any Building, or other improvement, unless they first secure the parties owning such improvement against all damage, except by priority of title

Section 13 All Deeds, Bonds, Contracts, Bills of sale or instruments of any kind relating to the conveyance of Claims, shall be

Witnessed by two witnesses and must be recorded, to be held as valid against creditors or subsequent deeds of grantor.

Section 14 In all cases, where parties shall have complied with the Law, as far as possible, priority of Claim, when honestly carried out, shall be respected

Chapter 7

Section 1 Tunnel Law Any person or company, locating a Tunnel Claim in this District, as hereinafter provided, shall be entitled to present one Hundred by two Hundred feet of ground as surface Claim, at the starting point for tunnel purposes and deposits

Section 2 Any person or company, running a tunnel under this Law, shall be entitled to four Hundred feet, and no more, upon any Lode which may be discovered in said tunnel two Hundred feet of which may be taken on each side of the centre line of the tunnel Claim, provided, such Lode has not been discovered and Claimed prior to the

Discovery in the tunnel, provided, also, that such discovery be preempted and recorded as other Claims

Section 3 } Any person or company, locating a tunnel as aforesaid, shall be required to perform ten days works in each month and upon failing to comply with any of the requirements in this Section, the right to such tunnel Claim shall be forfeited

Section 4 } All tunnel Claims shall be staked at the starting point in the center upon which Stake shall be written the direction and terminus of said tunnel together with the name of the owner or owners

Section 5 } Any person or company running a tunnel under this Law, shall have the right to cross any Lode, on the line of said tunnel, provided, the amount of Quartz taken out of such Lode, shall not be more than is necessary to

Cross said Lode, at right angles, the size of said tunnel at smallest place.

Section 6 Any person or company owning Lode Claims, through which a Tunnel, under this Law may pass, shall have the right either in person or by their Agent, to inspect such Lode Claim, in said tunnel, at any time they may desire

Section 7 When a person or company claims to have discovered a new Lode in their tunnel, and said Lode is claimed by prior discovery, it shall devolve upon the tunnel owner to show that his discovery is a new one

Section 8 All persons, owning Lode Claims, shall have the privilege to work the same, by tunneling or otherwise, and to deposit Quartz, either by slide or tramway, at the point most convenient for them on any ground claimed under this Law for surface deposits provided, they do not deposit Quartz or place any obstruction nearer than

twenty feet from the center of the mouth of said tunnel

Office of the President of Banner District April 1st 1861

I hereby certify that the foregoing is a true copy of the Laws of Banner District as passed at a legally called meeting on the 21st Day of March A.D. 1861

Given under my hand, the Day and date first above written

Attest W.M. P Parker President

John Cree Secretary

Laws enacted April 17th 1861

Chapter 1

Section 1 The Boundaries of Banner District shall commence at a point opposite the mouth of Turkey Creek and at the commencement of the divide between Turkey Creek and Little Truk and following up said divide

to its junction with the divide between Trail Creek and Clear Creek thence down the divide between Trail Creek and Turkey Creek to a point opposite the mouth of Turkey Creek or so as to embrace all the waters of Turkey Creek thence to the Place of beginning

Section 2 Jurors fees

Jurors shall be entitled to $2,50 for each case each Juror

Section 3 Tunnel Lais

Their shall be a Stake set at every one hundred feet from starting point to terminus of said Tunnel Marked, Center Line of Tunnel together with the number of feet from starting point

Section 4 And Mens Lode that may be discovered after any Tunnel is located and Stuked the Owners or Owners of said Tunnel shall be entitled to fifty

feet on each side of the Centre Line of their Tunnel on such New Lode provided such new Lode crosses their Tunnel Claim

Office of the President
of Banner District April 20th 1861
I hereby certify that the foregoing is a true copy of the Laws passed at a legally called meeting on the 17 Day of April A D 1861 Given under my hand the day and date first above written.

Attest
John Bell Secretary

President
M. P. Parker

Office of the President
of Banner District September 16th 1861
I hereby certify that Chapter six Section third in regard to Staking of Preumption Claims was repealed at a legally called meeting on the Day and date first above written
B. F. Darrah Secretary M. P. Parker President.